

III. REMARKS

The claims have been editorially amended to better conform to current U.S. practice.

Claims 1-25 are not unpatentable under 35 U.S.C. 102 as being anticipated by Jaisimha.

Claims 1, 12, 21 and 22 have been amended to recite that "...the user message comprises "address data indicative of the recipient" (see page 11, lines 28-30) "and at least one multimedia component..." (see page 6, lines 32-35).

It is again respectfully submitted that Jaisimha is not creating a user message and is not disclosing a user message and certainly not a user message having address data indicative of the recipient. Jaisimha discloses a file, an SMIL file, an HTML file, a file that can be viewed with a browser. Jaisumha does not teach transmitting a point-to-point message, such as an e-mail having a recipient name in a TO-field.

Further, Jaisimha is actually creating a file (not a message and certainly not a multimedia message) which contains instructions for downloading multimedia into the file to be viewed by a browser. A person skilled in the art would realize that such a file does not constitute a message. None of the passages referred by the Examiner say that it is a user message which is transferred from one user to another, or from one device to another, and is intended for a user (having a recipient name in the TO-field).

Further, Jaisimha is not adding any content to the files (again, not user messages) but pointers (hyperlinks), which indicate where to get the content from. And the browser (or player), once the broswer (or player) is used to OPEN the file, will fetch the content from the URL as provided by Jaisimha as a pointer in the file. On col. 10, lines 6—9, of Jaisimha it is stated that as will be readily appreciated by those of ordinary skill, a hyperlink refers to a link to another Internet-based document encoded using tags defined by the HTML standard.

09/761,040

RESPONSE TO OA MAILED June 23, 2006

No person skilled in the art would interpret a document stored, e.g., in the root of U.S.P.T.O. web server, namely named <http://www.uspto.gov/index.html>, as a user message as it is a file, a document. And further, such document does not have an address/recipient field.

The only instances where Jaisimha discloses a message are the messages transmitted between the server and the client, control messages used for transmission control, or displaying error messages to the user, on a display, and the like:

In particular, col. 8, lines 22-23, discloses that a program can send messages to a program. Further, col. 11, lines 3-5, discloses that a media player transmits a hello message to the media server. The cited portion (col. 9, lines 56-67) of Jaismha is not a user message having address data indicative of the recipient.

If Jaisimha would have meant the disclosed method to be used for point-to-point/point-to-multipoint messaging, a person skilled in the art would expect to find a mention of such messaging. For instance, a simple word such as "mail" cannot be found in the teachings of Jaisimha.

On col. 10, lines 38—40, it is mentioned that a user operates a web browser to access a web page having a hyperlink which references the media file and specifies a desired type of transmission. This is not the claimed user message.

Thus the rejection of claims 1-25 under 35 U.S.C. 102 should be withdrawn.

Further since Jaisimha does not suggest the above discussed limitations or their advantages, claims 1-25 are not obvious.

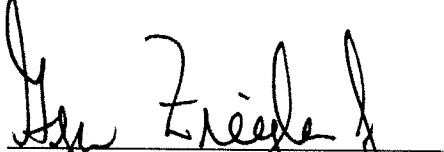
09/761,040
RESPONSE TO OA MAILED June 23, 2006

New claim 26 recites that the user message comprises address data indicative of a recipient of the user message and at least one of text, image, photograph, audio clip or video clip component. These limitations are disclosed on page 7, line 36, to page 8, line 2, and not disclosed or suggested by Jaisimha. Thus claim 26 is also patentable.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment \$1040.00 for the extra independent claim and the RCE fee as well as for any other fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



Geza C. Ziegler, Jr.
Reg. No. 44,004

20 September 2006
Date

Perman & Green, LLP
425 Post Road
Fairfield, CT 06824
(203) 259-1800
Customer No.: 2512

09/761,040
RESPONSE TO OA MAILED June 23, 2006

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this correspondence is being deposited transmitted electronically, on the date indicated below, addressed to the Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 20 September 2006

Signature: Ray Shultz
Usa Shimizu
Person Making Deposit